



File Code: 1570

Date: November 7, 2007

Mr. Larry Edwards  
Greenpeace, Sitka Field Office  
P.O. Box 6484  
Sitka, AK 99835

Dear Mr. Edwards:

This is in regards to the appeal you filed on the Baht Timber Sale Record of Decision (ROD) and Final Environmental Impact Statement. Your appeal was filed via e-mail to the Alaska Regional Office appeals inbox at [appeals-alaska-regional-office@fs.fed.us](mailto:appeals-alaska-regional-office@fs.fed.us).

The legal notice for the Baht ROD was published in the Juneau Empire, the newspaper of record for Tongass Forest Supervisor decisions, on September 14, 2007, and the 45-day appeal period ended on October 29, 2007. Although the date on the face of your appeal and on the signature page was written as October 29, 2007, the date on the face of your email and the information we have on the delivery of your appeal in our appeals inbox indicates that your appeal was filed on October 30, 2007, after the close of the appeal period (see enclosed records of the receipt of your appeal).

On November 5, 2007, my staff e-mailed you a letter indicating the discrepancy in the date your appeal was filed. In that letter, I informed you that if you could provide evidence that your appeal was submitted prior to the close of the comment period I would accept your appeal. You responded to my letter later that same day, acknowledging that your appeal was e-mailed after the close of the comment period but stating that the error was due to the change from Alaska Daylight Time to Alaska Standard Time, which your computer had prematurely adjusted at midnight on October 28, 2007.

I have reviewed your November 5, 2007, letter in its entirety, and the November 5, 2007, letter submitted in support of your letter by a co-appellant, Paul Olson of the Sitka Conservation Society. While I understand the effort that went into preparing your appeal, the regulations clearly state that "[i]t is the responsibility of appellants to ensure that their appeal is received in a timely manner" (36 CFR 215.15).

Under the Forest Service appeal regulations, I do not have the authority to extend an appeal period (36 CFR 215.15(d)), and the regulations clearly state that I "shall dismiss an appeal without review when... the evidence of the date sent on an e-mailed or faxed appeal is not within the 45-day appeal filing period" (36 CFR 215.16(a)(1)). Therefore, I am dismissing your appeal.

I have forwarded your appeal to the Tongass Forest Supervisor for his consideration.



My decision to dismiss your appeal is the final administrative determination of the Department of Agriculture with regard to your appeal (36 CFR 215.18(c)). The Baht project may be implemented 5 business days from the close of the appeal-filing period (36 CFR 215.9(a)).

Sincerely,

/S/DENNIS E. BSCHOR

DENNIS E. BSCHOR  
Regional Forester

cc: Gabe Scott, Paul Olson, Gregory Vickrey, Mark Rorick, Forrest Cole, Mark Hummel, Olleke E Rappe-Daniels, Karen Iwamoto, Winnie Blesh